

NIH174.001C1

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **#15**

Applicant : McCart et al.) Group Art Unit 1636
Appl. No. : 09/991,721)
Filed : November 13, 2001)
For : COMBINED GROWTH)
FACTOR-DELETED AND)
THYMIDINE KINASE-)
DELETED VACCINIA VIRUS)
VECTOR)
Examiner : Sullivan, Daniel M.)

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RESPONSE TO RESTRICTION REQUIREMENT

United States Patent And Trademark Office
PO Box 2327
Arlington, VA 22202

Dear Sir:

In response to the Restriction Requirement mailed February 12, 2003 in the above-identified application, Applicant responds as follows:

Restriction to one of the following groups was required under 35 USC 121:

Group I Claims 1-18 and 25, drawn to a composition comprising a vaccinia virus expression vector with negative thymidine kinase phenotype and a negative vaccinia virus growth factor phenotype, classified in class 435, subclass 320.1.

Group II Claims 24 and 26, drawn to a method of making a vaccinia virus vector comprising providing a vaccinia virus genome and mutating a growth factor gene and a

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thymidine kinase gene and introducing an exogenous nucleotide sequence into the genome, classified in class 435, subclass 91.4.

Group III Claims 19-23, drawn to a method of introducing an exogenous nucleotide sequence into a mammalian tumor cell in a host comprising contacting a tumor cell with the composition of Group I, classified in class 514, subclass 44.

In response to the restriction requirement, Applicant elects Group I, that is, Claims 1-18 and 25.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/10/03

By: 

Nancy W. Vensko
Registration No. 36,298
Attorney of Record
Customer No. 20,995
(805) 547-5585